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Switching-yard plan may trigger legal battle

By Shelley Shelton

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So far, a proposal for a railroad switching yard near Picacho Peak hasn't been derailed, but plans aren't quite on track either.

And a legal fight may yet be brewing over the location and whether legislation passed last fall will hold up.

Union Pacific Railroad has proposed building a six-mile-long, 913-acre switching yard on the east side of Picacho Peak, on state land that is leased and farmed by the Kai family of Marana.

The Kais think the yard would unnecessarily pollute the air and water around Picacho State Park. They were behind a two-year effort that led to the passage of a bill last fall that requires the railroad to hold public information sessions when it plans to build a switching yard.

"We need to think about the next 100 years, where we want Arizona to be," said John Kai of Kai Farms.

Kai said he wants to see Arizonans benefit as much as the railroad from a new switching yard. And he's concerned about the rail yard's proximity to schools in Red Rock and retirees in a nearby recreational vehicle park.

Kai's brother Herb, who is a Marana town councilman, said his family and other critics of the plan want the railroad to explore other locations.

"We know it (the railroad) is important for our country, for moving goods. We just think it's a bad place," he said.

The legislation, House Bill 2156, says the railroad must provide environmental impact information and hold one to three public information sessions, which will be overseen by the Arizona Department of Transportation.

The bill is necessary because "the railroad has so much power," said Nick Simonetta, a lobbyist who worked with the Kais and other supporters of the bill. The railroad has "the ability to pretty much do whatever it wants without dealing with issues of local concern or input," he said. Though you can't tell the railroad what to do, you can make it provide information about what it is doing, he said. Such transparency enables local governments to plan accordingly.

Backers of the railroad plan say that the opposition's concerns have been addressed and that House Bill 2156 won't apply to this situation because the bill passed after the railroad applied to build the switching yard.

Last month, the firm that lobbies for Union Pacific formed a Pinal County-based coalition, Friends of the Union Pacific, in support of the Picacho switching-yard plan.

About 50 individuals and business owners have hopped on board so far, said Larry Landry, president of the lobbying firm Landry Creedon & Associates.

He said critics of the rail yard location have been unbending, regardless of the information that is presented to them.

"Every one of their concerns have been addressed," he said. "They fundamentally believe, even if their concerns have been answered, that this is just the wrong place for it."

Though it hasn't reached a point where it would go to court, it's the railroad's position that House Bill 2156

doesn't apply in this case, Landry said.

For now, he's waiting to see if the Arizona State Land Department plans to move forward with the project, and nobody will know that until a study on site impacts is completed. It was to be done by the end of 2008, but as of Jan. 14 it wasn't done.

Legislation backers are preparing to fight for the public information sessions, if need be.

• A version of this story appeared in Thursday's Northwest Star. • Contact reporter Shelley Shelton at 618-1921 or sshelton@azstarnet.com.

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